

109TH CONGRESS
1ST SESSION

S. 802

To establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2005

Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. BURNS, Mr. JOHNSON, Mr. ROBERTS, Mr. BINGAMAN, Mr. ALLARD, Mr. WYDEN, Mr. SMITH, Mr. HAGEL, and Mr. BROWNBAC) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Drought Preparedness Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

- Sec. 1 Short title; table of contents.
- Sec. 2 Findings.
- Sec. 3 Definitions.
- Sec. 4 Effect of Act.

TITLE I—DROUGHT PREPAREDNESS

SUBTITLE A—NATIONAL DROUGHT COUNCIL

- Sec. 101 Membership and voting.
- Sec. 102 Duties of the Council.
- Sec. 103 Powers of the Council.
- Sec. 104 Council personnel matters.
- Sec. 105 Authorization of appropriations.
- Sec. 106 Termination of Council.

SUBTITLE B—NATIONAL OFFICE OF DROUGHT PREPAREDNESS

- Sec. 111 Establishment.
- Sec. 112 Director of the Office.
- Sec. 113 Office staff.

SUBTITLE C—DROUGHT PREPAREDNESS PLANS

- Sec. 121 Drought Assistance Fund.
- Sec. 122 Drought preparedness plans.
- Sec. 123 Federal plans.
- Sec. 124 State and tribal plans.
- Sec. 125 Regional and local plans.
- Sec. 126 Plan elements.

TITLE II—WILDFIRE SUPPRESSION

- Sec. 201 Grants for repositioning wildfire suppression resources.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) drought is a natural disaster;

4 (2) regional drought disasters in the United

5 States cause serious economic and environmental

6 losses, yet there is no national policy to ensure an

7 integrated and coordinated Federal strategy to pre-

8 pare for, mitigate, or respond to such losses;

1 (3) drought has an adverse effect on resource-
2 dependent businesses and industries (including the
3 recreation and tourism industries);

4 (4) State, tribal, and local governments have to
5 increase coordinated efforts with each Federal agen-
6 cy involved in drought monitoring, planning, mitiga-
7 tion, and response;

8 (5) effective drought monitoring—

9 (A) is a critical component of drought pre-
10 paredness and mitigation; and

11 (B) requires a comprehensive, integrated
12 national program that is capable of providing
13 reliable, accessible, and timely information to
14 persons involved in drought planning, mitiga-
15 tion, and response activities;

16 (6) the National Drought Policy Commission
17 was established in 1998 to provide advice and rec-
18 ommendations on the creation of an integrated, co-
19 ordinated Federal policy designed to prepare for and
20 respond to serious drought emergencies;

21 (7) according to the report issued by the Na-
22 tional Drought Policy Commission in May 2000, the
23 guiding principles of national drought policy should
24 be—

1 (A) to favor preparedness over insurance,
2 insurance over relief, and incentives over regu-
3 lation;

4 (B) to establish research priorities based
5 on the potential of the research to reduce
6 drought impacts;

7 (C) to coordinate the delivery of Federal
8 services through collaboration with State and
9 local governments and other non-Federal enti-
10 ties; and

11 (D) to improve collaboration among sci-
12 entists and managers; and

13 (8) the National Drought Council, in coordina-
14 tion with Federal agencies and State, tribal, and
15 local governments, should provide the necessary di-
16 rection, coordination, guidance, and assistance in de-
17 veloping a comprehensive drought preparedness sys-
18 tem.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) COUNCIL.—The term “Council” means the
22 National Drought Council established by section
23 101(a).

24 (2) CRITICAL SERVICE PROVIDER.—The term
25 “critical service provider” means an entity that pro-

1 vides power, water (including water provided by an
2 irrigation organization or facility), sewer services, or
3 wastewater treatment.

4 (3) DIRECTOR.—The term “Director” means
5 the Director of the Office appointed under section
6 112(a).

7 (4) DROUGHT.—The term “drought” means a
8 natural disaster that is caused by a deficiency in
9 precipitation—

10 (A) that may lead to a deficiency in sur-
11 face and subsurface water supplies (including
12 rivers, streams, wetlands, ground water, soil
13 moisture, reservoir supplies, lake levels, and
14 snow pack); and

15 (B) that causes or may cause—

16 (i) substantial economic or social im-
17 pacts; or

18 (ii) physical damage or injury to indi-
19 viduals, property, or the environment.

20 (5) FUND.—The term “Fund” means the
21 Drought Assistance Fund established by section
22 121(a).

23 (6) INDIAN TRIBE.—The term “Indian tribe”
24 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 450b).

3 (7) INTERSTATE WATERSHED.—The term
4 “interstate watershed” means a watershed that
5 crosses a State or tribal boundary.

6 (8) MITIGATION.—The term “mitigation”
7 means a short- or long-term action, program, or pol-
8 icy that is implemented in advance of or during a
9 drought to minimize any risks and impacts of
10 drought.

11 (9) NATIONAL INTEGRATED DROUGHT INFOR-
12 MATION SYSTEM.—The term “National Integrated
13 Drought Information System” means a comprehen-
14 sive system that collects and integrates information
15 on the key indicators of drought, including stream
16 flow, ground water levels, reservoir levels, soil mois-
17 ture, snow pack, and climate (including precipitation
18 and temperature), in order to make usable, reliable,
19 and timely assessments of drought, including the se-
20 verity of drought and drought forecasts.

21 (10) NEIGHBORING COUNTRY.—The term
22 “neighboring country” means Canada and Mexico.

23 (11) OFFICE.—The term “Office” means the
24 National Office of Drought Preparedness established
25 under section 111.

1 (12) SECRETARY.—The term “Secretary”
2 means the Secretary of Agriculture.

3 (13) STATE.—The term “State” means—

4 (A) each of the several States of the
5 United States;

6 (B) the District of Columbia;

7 (C) the Commonwealth of Puerto Rico;

8 (D) Guam;

9 (E) American Samoa;

10 (F) the Commonwealth of the Northern
11 Mariana Islands;

12 (G) the Federated States of Micronesia;

13 (H) the Republic of the Marshall Islands;

14 (I) the Republic of Palau; and

15 (J) the United States Virgin Islands.

16 (14) TRIGGER.—The term “trigger” means the
17 thresholds or criteria that must be satisfied before
18 mitigation or emergency assistance may be provided
19 to an area—

20 (A) in which drought is emerging; or

21 (B) that is experiencing a drought.

22 (15) UNDER SECRETARY.—The term “Under
23 Secretary” means the Under Secretary of Agri-
24 culture for Natural Resources and Environment.

1 (16) UNITED STATES.—The term “United
2 States”, when used in a geographical sense, means
3 all of the States.

4 (17) WATERSHED.—

5 (A) IN GENERAL.—The term “watershed”
6 means—

7 (i) a region or area with common hy-
8 drology;

9 (ii) an area drained by a waterway
10 that drains into a lake or reservoir;

11 (iii) the total area above a designated
12 point on a stream that contributes water to
13 the flow at the designated point; or

14 (iv) the topographic dividing line from
15 which surface streams flow in 2 different
16 directions.

17 (B) EXCLUSION.—The term “watershed”
18 does not include a region or area described in
19 subparagraph (A) that is larger than a river
20 basin.

21 (18) WATERSHED GROUP.—The term “water-
22 shed group” means a group of individuals that—

23 (A) represents the broad scope of relevant
24 interests in a watershed; and

1 (B) works in a collaborative manner to
 2 jointly plan the management of the natural re-
 3 sources in the watershed; and

4 (C) is formally recognized by each of the
 5 States in which the watershed lies.

6 **SEC. 4. EFFECT OF ACT.**

7 This Act does not affect—

8 (1) the authority of a State to allocate quan-
 9 tities of water under the jurisdiction of the State; or

10 (2) any State water rights established as of the
 11 date of enactment of this Act.

12 **TITLE I—DROUGHT**

13 **PREPAREDNESS**

14 **Subtitle A—National Drought**

15 **Council**

16 **SEC. 101. MEMBERSHIP AND VOTING.**

17 (a) IN GENERAL.—There is established in the Office
 18 of the Secretary a council to be known as the “National
 19 Drought Council”.

20 (b) MEMBERSHIP.—

21 (1) COMPOSITION.—The Council shall be com-
 22 posed of—

23 (A) the Secretary;

24 (B) the Secretary of Commerce;

25 (C) the Secretary of the Army;

- 1 (D) the Secretary of the Interior;
- 2 (E) the Director of the Federal Emergency
3 Management Agency;
- 4 (F) the Administrator of the Environ-
5 mental Protection Agency;
- 6 (G) 4 members appointed by the Secretary,
7 in coordination with the National Governors As-
8 sociation—
- 9 (i) who shall each be a Governor of a
10 State; and
- 11 (ii) who shall collectively represent the
12 geographic diversity of the United States;
- 13 (H) 1 member appointed by the Secretary,
14 in coordination with the National Association of
15 Counties;
- 16 (I) 1 member appointed by the Secretary,
17 in coordination with the United States Con-
18 ference of Mayors;
- 19 (J) 1 member appointed by the Secretary
20 of the Interior, in coordination with Indian
21 tribes, to represent the interests of tribal gov-
22 ernments; and
- 23 (K) 1 member appointed by the Secretary,
24 in coordination with the National Association of

1 Conservation Districts, to represent local soil
2 and water conservation districts.

3 (2) DATE OF APPOINTMENT.—The appointment
4 of each member of the Council shall be made not
5 later than 120 days after the date of enactment of
6 this Act.

7 (c) TERM; VACANCIES.—

8 (1) TERM.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), a member of the Council
11 shall serve for the life of the Council.

12 (B) EXCEPTION.—A member of the Coun-
13 cil appointed under subparagraphs (G) through
14 (K) of subsection (b)(1) shall be appointed for
15 a term of 2 years.

16 (2) VACANCIES.—

17 (A) IN GENERAL.—A vacancy on the
18 Council—

19 (i) shall not affect the powers of the
20 Council; and

21 (ii) shall be filled in the same manner
22 as the original appointment was made.

23 (B) DURATION OF APPOINTMENT.—A
24 member appointed to fill a vacancy occurring
25 before the expiration of the term for which the

1 predecessor was appointed shall be appointed
2 only for the remainder of the term.

3 (d) MEETINGS.—

4 (1) IN GENERAL.—The Council shall meet at
5 the call of the co-chairs.

6 (2) FREQUENCY.—The Council shall meet at
7 least semiannually.

8 (e) QUORUM.—A majority of the members of the
9 Council, including a designee of a member, shall constitute
10 a quorum, but a lesser number may hold hearings or con-
11 duct other business.

12 (f) CO-CHAIRS.—

13 (1) IN GENERAL.—There shall be a Federal co-
14 chair and non-Federal co-chair of the Council.

15 (2) APPOINTMENT.—

16 (A) FEDERAL CO-CHAIR.—The Secretary
17 shall be Federal co-chair.

18 (B) NON-FEDERAL CO-CHAIR.—Every 2
19 years, the Council members appointed under
20 subparagraphs (G) through (K) of subsection
21 (b)(1) shall select a non-Federal co-chair from
22 among the members appointed under those sub-
23 paragraphs.

24 (g) DIRECTOR.—

1 (1) IN GENERAL.—The Director shall serve as
2 Director of the Council.

3 (2) DUTIES.—The Director shall serve the in-
4 terests of all members of the Council.

5 **SEC. 102. DUTIES OF THE COUNCIL.**

6 (a) IN GENERAL.—The Council shall—

7 (1) not later than 1 year after the date of the
8 first meeting of the Council, develop a comprehen-
9 sive National Drought Policy Action Plan that—

10 (A)(i) delineates and integrates responsibil-
11 ities for activities relating to drought (including
12 drought preparedness, mitigation, research, risk
13 management, training, and emergency relief)
14 among Federal agencies; and

15 (ii) ensures that those activities are coordi-
16 nated with the activities of the States, local
17 governments, Indian tribes, and neighboring
18 countries;

19 (B) is consistent with—

20 (i) this Act and other applicable Fed-
21 eral laws; and

22 (ii) the laws and policies of the States
23 for water management;

24 (C) is integrated with drought manage-
25 ment programs of the States, Indian tribes,

1 local governments, watershed groups, and pri-
2 vate entities; and

3 (D) avoids duplicating Federal, State, trib-
4 al, local, watershed, and private drought pre-
5 paredness and monitoring programs in exist-
6 ence on the date of enactment of this Act;

7 (2) evaluate Federal drought-related programs
8 in existence on the date of enactment of this Act and
9 make recommendations to Congress and the Presi-
10 dent on means of eliminating—

11 (A) discrepancies between the goals of the
12 programs and actual service delivery;

13 (B) duplication among programs; and

14 (C) any other circumstances that interfere
15 with the effective operation of the programs;

16 (3) make recommendations to the President,
17 Congress, and appropriate Federal Agencies on—

18 (A) the establishment of common inter-
19 agency triggers for authorizing Federal drought
20 mitigation programs; and

21 (B) improving the consistency and fairness
22 of assistance among Federal drought relief pro-
23 grams;

24 (4) in conjunction with the Secretary of Com-
25 merce, coordinate and prioritize specific activities to

1 establish and improve the National Integrated
2 Drought Information System by—

3 (A) taking into consideration the limited
4 resources for—

5 (i) drought monitoring, prediction,
6 and research activities; and

7 (ii) water supply forecasting; and

8 (B) providing for the development of an ef-
9 fective drought early warning system that—

10 (i) communicates drought conditions
11 and impacts to—

12 (I) decisionmakers at the Fed-
13 eral, regional, State, tribal, and local
14 levels of government;

15 (II) the private sector; and

16 (III) the public; and

17 (ii) includes near-real-time data, infor-
18 mation, and products developed at the
19 Federal, regional, State, tribal, and local
20 levels of government that reflect regional
21 and State differences in drought condi-
22 tions;

23 (5) in conjunction with the Secretary of the
24 Army and the Secretary of the Interior—

1 (A) encourage and facilitate the develop-
2 ment of drought preparedness plans under sub-
3 title C, including establishing the guidelines
4 under sections 121(e) and 122(a); and

5 (B) based on a review of drought prepared-
6 ness plans, develop and make available to the
7 public drought planning models to reduce water
8 resource conflicts relating to water conservation
9 and droughts;

10 (6) develop and coordinate public awareness ac-
11 tivities to provide the public with access to under-
12 standable, and informative materials on drought, in-
13 cluding—

14 (A) explanations of the causes of drought,
15 the impacts of drought, and the damages from
16 drought;

17 (B) descriptions of the value and benefits
18 of land stewardship to reduce the impacts of
19 drought and to protect the environment;

20 (C) clear instructions for appropriate re-
21 sponses to drought, including water conserva-
22 tion, water reuse, and detection and elimination
23 of water leaks;

24 (D) information on State and local laws
25 applicable to drought; and

1 (E) information on the assistance available
2 to resource-dependent businesses and industries
3 during a drought; and

4 (7) establish operating procedures for the Coun-
5 cil.

6 (b) CONSULTATION.—In carrying out this section,
7 the Council shall consult with groups affected by drought
8 emergencies, including groups that represent—

9 (1) agricultural production, wildlife, and fishery
10 interests;

11 (2) forestry and fire management interests;

12 (3) the credit community;

13 (4) rural and urban water associations;

14 (5) environmental interests;

15 (6) engineering and construction interests;

16 (7) the portion of the science community that
17 is concerned with drought and climatology;

18 (8) resource-dependent businesses and other
19 private entities (including the recreation and tourism
20 industries); and

21 (9) watershed groups.

22 (c) AGENCY ROLES AND RESPONSIBILITIES.—

23 (1) DESIGNATION OF LEAD AGENCIES.—

24 (A) DEPARTMENT OF COMMERCE.—The
25 Department of Commerce shall be the lead

1 agency for purposes of implementing subsection
2 (a)(4).

3 (B) DEPARTMENTS OF THE ARMY AND
4 THE INTERIOR.—The Department of the Army
5 and the Department of the Interior shall jointly
6 be the lead agency for purposes of imple-
7 menting—

8 (i) paragraphs (5) and (6) of section
9 subsection (a); and

10 (ii) section 122.

11 (C) DEPARTMENT OF AGRICULTURE.—The
12 Department of Agriculture, in cooperation with
13 the lead agencies designated under subpara-
14 graphs (A) and (B), shall be the lead agency
15 for purposes of implementing section 121.

16 (2) COOPERATION FROM OTHER FEDERAL
17 AGENCIES.—The head of each Federal agency shall
18 cooperate as appropriate with the lead agencies in
19 carrying out any duties under this Act.

20 (d) REPORTS TO CONGRESS.—

21 (1) ANNUAL REPORT.—

22 (A) IN GENERAL.—Not later than 1 year
23 after the date of the first meeting of the Coun-
24 cil, and annually thereafter, the Council shall

1 submit to Congress a report on the activities
2 carried out under this title.

3 (B) INCLUSIONS.—

4 (i) IN GENERAL.—The annual report
5 shall include a summary of drought pre-
6 paredness plans completed under sections
7 123 through 125.

8 (ii) INITIAL REPORT.—The initial re-
9 port submitted under subparagraph (A)
10 shall include any recommendations of the
11 Council under paragraph (2) or (3) of sub-
12 section (a).

13 (2) FINAL REPORT.—Not later than 7 years
14 after the date of enactment of this Act, the Council
15 shall submit to Congress a report that rec-
16 ommends—

17 (A) amendments to this Act; and

18 (B) whether the Council should continue.

19 **SEC. 103. POWERS OF THE COUNCIL.**

20 (a) HEARINGS.—The Council may hold hearings,
21 meet and act at any time and place, take any testimony
22 and receive any evidence that the Council considers advis-
23 able to carry out this title.

24 (b) INFORMATION FROM FEDERAL AGENCIES.—

1 (1) IN GENERAL.—The Council may obtain di-
2 rectly from any Federal agency any information that
3 the Council considers necessary to carry out this
4 title.

5 (2) PROVISION OF INFORMATION.—

6 (A) IN GENERAL.—Except as provided in
7 subparagraph (B), on request of the Secretary
8 or the non-Federal co-chair, the head of a Fed-
9 eral agency may provide information to the
10 Council.

11 (B) LIMITATION.—The head of a Federal
12 agency shall not provide any information to the
13 Council that the Federal agency head deter-
14 mines the disclosure of which may cause harm
15 to national security interests.

16 (c) POSTAL SERVICES.—The Council may use the
17 United States mail in the same manner and under the
18 same conditions as other agencies of the Federal Govern-
19 ment.

20 (d) GIFTS.—The Council may accept, use, and dis-
21 pose of gifts or donations of services or property.

22 (e) FEDERAL FACILITIES.—If the Council proposes
23 the use of a Federal facility for the purposes of carrying
24 out this title, the Council shall solicit and consider the

1 input of the Federal agency with jurisdiction over the fa-
2 cility.

3 **SEC. 104. COUNCIL PERSONNEL MATTERS.**

4 (a) COMPENSATION OF MEMBERS.—

5 (1) NON-FEDERAL EMPLOYEES.—A member of
6 the Council who is not an officer or employee of the
7 Federal Government shall serve without compensa-
8 tion.

9 (2) FEDERAL EMPLOYEES.—A member of the
10 Council who is an officer or employee of the United
11 States shall serve without compensation in addition
12 to the compensation received for services of the
13 member as an officer or employee of the Federal
14 Government.

15 (b) TRAVEL EXPENSES.—A member of the Council
16 shall be allowed travel expenses at rates authorized for an
17 employee of an agency under subchapter I of chapter 57
18 of title 5, United States Code, while away from the home
19 or regular place of business of the member in the perform-
20 ance of the duties of the Council.

21 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to carry out
23 this title \$2,000,000 for each of the 7 fiscal years after
24 the date of enactment of this Act.

1 **SEC. 106. TERMINATION OF COUNCIL.**

2 The Council shall terminate 8 years after the date
3 of enactment of this Act.

4 **Subtitle B—National Office of**
5 **Drought Preparedness**

6 **SEC. 111. ESTABLISHMENT.**

7 The Secretary shall establish an office to be known
8 as the “National Office of Drought Preparedness”, which
9 shall be under the jurisdiction of the Under Secretary, to
10 provide assistance to the Council in carrying out this title.

11 **SEC. 112. DIRECTOR OF THE OFFICE.**

12 (a) APPOINTMENT.—

13 (1) IN GENERAL.—The Under Secretary shall
14 appoint a Director of the Office under sections 3371
15 through 3375 of title 5, United States Code.

16 (2) QUALIFICATIONS.—The Director shall be a
17 person who has experience in—

18 (A) public administration; and

19 (B) drought mitigation or drought man-
20 agement.

21 (b) POWERS.—The Director may hire such other ad-
22 ditional personnel or contract for services with other enti-
23 ties as necessary to carry out the duties of the Office.

1 **SEC. 113. OFFICE STAFF.**

2 (a) IN GENERAL.—The Office shall have at least 5
3 full-time staff, including the detailees detailed under sub-
4 section (b)(1).

5 (b) DETAILEES.—

6 (1) REQUIRED DETAILEES.—There shall be de-
7 tailed to the Office, on a nonreimbursable basis—

8 (A) by the Director of the Federal Emer-
9 gency Management Agency, 1 employee of the
10 Federal Emergency Management Agency with
11 expertise in emergency planning;

12 (B) by the Secretary of Commerce, 1 em-
13 ployee of the Department of Commerce with ex-
14 perience in drought monitoring;

15 (C) by the Secretary of the Interior, 1 em-
16 ployee of the Bureau of Reclamation with expe-
17 rience in water planning; and

18 (D) by the Secretary of the Army, 1 em-
19 ployee of the Army Corps of Engineers with ex-
20 perience in water planning.

21 (2) ADDITIONAL DETAILEES.—

22 (A) IN GENERAL.—In addition to any em-
23 ployees detailed under paragraph (1), any other
24 employees of the Federal Government may be
25 detailed to the Office.

1 (B) REIMBURSEMENT.—An employee de-
2 tailed under subparagraph (A) shall be detailed
3 without reimbursement, unless the Secretary,
4 on the recommendation of the Director, deter-
5 mines that reimbursement is appropriate.

6 (3) CIVIL SERVICE STATUS.—The detail of an
7 employee under paragraph (1) or (2) shall be with-
8 out interruption or loss of civil service status or
9 privilege.

10 **Subtitle C—Drought Preparedness** 11 **Plans**

12 **SEC. 121. DROUGHT ASSISTANCE FUND.**

13 (a) ESTABLISHMENT.—There is established in the
14 Treasury of the United States a fund to be known as the
15 “Drought Assistance Fund”.

16 (b) PURPOSE.—The Fund shall be used to pay the
17 costs of—

18 (1) providing technical and financial assistance
19 (including grants and cooperative assistance) to
20 States, Indian tribes, local governments, watershed
21 groups, and critical service providers for the develop-
22 ment and implementation of drought preparedness
23 plans under sections 123 through 125;

24 (2) providing to States, Indian tribes, local gov-
25 ernments, watershed groups, and critical service pro-

1 viders the Federal share, as determined by the Sec-
2 retary, in consultation with the other members of
3 the Council, of the cost of mitigating the overall risk
4 and impacts of droughts;

5 (3) assisting States, Indian tribes, local govern-
6 ments, watershed groups, and critical service pro-
7 viders in the development of mitigation measures to
8 address environmental, economic, and human health
9 and safety issues relating to drought;

10 (4) expanding the technology transfer of
11 drought and water conservation strategies and inno-
12 vative water supply techniques;

13 (5) developing post-drought evaluations and
14 recommendations; and

15 (6) supplementing, if necessary, the costs of im-
16 plementing actions under section 102(a)(4).

17 (c) GUIDELINES.—

18 (1) IN GENERAL.—The Secretary, in consulta-
19 tion with the non-Federal co-chair and with the con-
20 currence of the Council, shall promulgate guidelines
21 to implement this section.

22 (2) GENERAL REQUIREMENTS.—The guidelines
23 shall—

1 (A) ensure the distribution of amounts
2 from the Fund within a reasonable period of
3 time;

4 (B) take into consideration regional dif-
5 ferences;

6 (C) take into consideration all impacts of
7 drought in a balanced manner;

8 (D) prohibit the use of amounts from the
9 Fund for Federal salaries that are not directly
10 related to the provision of drought assistance;

11 (E) require that amounts from the Fund
12 provided to States, local governments, water-
13 shed groups, and critical service providers
14 under subsection (b)(1) be coordinated with and
15 managed by the State in which the local govern-
16 ments, watershed groups, or critical service pro-
17 viders are located, consistent with the drought
18 preparedness priorities and relevant water man-
19 agement plans in the State;

20 (F) require that amounts from the Fund
21 provided to Indian tribes under subsection
22 (b)(1) be used to implement plans that are, to
23 the maximum extent practicable—

1 (i) coordinated with any State in
2 which land of the Indian tribe is located;
3 and

4 (ii) consistent with existing drought
5 preparedness and water management plans
6 of the State; and

7 (G) require that a State, Indian tribe, local
8 government, watershed group, or critical service
9 provider that receives Federal funds under
10 paragraph (2) or (3) of subsection (b) pay,
11 using amounts made available through non-
12 Federal grants, cash donations made by non-
13 Federal persons or entities, or any other non-
14 Federal funds, not less than 25 percent of the
15 total cost of carrying out a project for which
16 Federal funds are provided under this Act.

17 (3) SPECIAL REQUIREMENTS APPLICABLE TO
18 INTERSTATE WATERSHEDS.—

19 (A) DEVELOPMENT OF DROUGHT PRE-
20 PAREDNESS PLANS.—The guidelines promul-
21 gated under paragraph (1) shall require that, to
22 receive financial assistance under subsection
23 (b)(1) for the development of drought prepared-
24 ness plans for interstate watersheds, the States

1 or Indian tribes in which the interstate water-
2 shed is located shall—

3 (i) cooperate in the development of
4 the plan; and

5 (ii) in developing the plan—

6 (I) ensure that the plan is con-
7 sistent with any applicable State and
8 tribal water laws, policies, and agree-
9 ments;

10 (II) ensure that the plan is con-
11 sistent and coordinated with any
12 interstate stream compacts;

13 (III) include the participation of
14 any appropriate watershed groups;
15 and

16 (IV) recognize that while imple-
17 mentation of the plan will involve fur-
18 ther coordination among the appro-
19 priate States and Indian tribes, each
20 State and Indian tribe has sole juris-
21 diction over implementation of the
22 portion of the watershed within the
23 State or tribal boundaries.

24 (B) IMPLEMENTATION OF DROUGHT PRE-
25 PAREDNESS PLANS.—The guidelines promul-

1 gated under paragraph (1) shall require that, to
2 receive financial assistance under subsection
3 (b)(1) for the implementation of drought pre-
4 paredness plans for interstate watersheds, the
5 States or Indian tribes in which the interstate
6 watershed is located shall, to the maximum ex-
7 tent practicable—

8 (i) cooperate in implementing the
9 plan;

10 (ii) in implementing the plan—

11 (I) provide that the distribution
12 of funds to all States and Indian
13 tribes in which the watershed is lo-
14 cated is not required; and

15 (II) consider the level of impact
16 within the watershed on the affected
17 States or Indian tribes; and

18 (iii) ensure that implementation of the
19 plan does not interfere with State water
20 rights in existence on the date of enact-
21 ment of this Act.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Fund such sums
24 as are necessary to carry out subsection (b).

1 **SEC. 122. DROUGHT PREPAREDNESS PLANS.**

2 (a) IN GENERAL.—The Secretary of the Interior and
3 the Secretary of the Army shall, with the concurrence of
4 the Council, jointly promulgate guidelines for admin-
5 istering a national program to provide technical and finan-
6 cial assistance to States, Indian tribes, local governments,
7 watershed groups, and critical service providers for the de-
8 velopment, maintenance, and implementation of drought
9 preparedness plans.

10 (b) REQUIREMENTS.—To build on the experience and
11 avoid duplication of efforts of Federal, State, local, tribal,
12 and regional drought plans in existence on the date of en-
13 actment of this Act, the guidelines may recognize and in-
14 corporate those plans.

15 **SEC. 123. FEDERAL PLANS.**

16 (a) IN GENERAL.—The Secretary, the Secretary of
17 the Interior, the Secretary of the Army, and other appro-
18 priate Federal agency heads shall develop and implement
19 Federal drought preparedness plans for agencies under
20 the jurisdiction of the appropriate Federal agency head.

21 (b) REQUIREMENTS.—The Federal plans—

22 (1) shall be integrated with each other;

23 (2) may be included as components of other
24 Federal planning requirements;

25 (3) shall be integrated with drought prepared-
26 ness plans of State, tribal, and local governments

1 that are affected by Federal projects and programs;
2 and

3 (4) shall be completed not later than 2 years
4 after the date of enactment of this Act.

5 **SEC. 124. STATE AND TRIBAL PLANS.**

6 States and Indian tribes may develop and implement
7 State and tribal drought preparedness plans that—

8 (1) address monitoring of resource conditions
9 that are related to drought;

10 (2) identify areas that are at a high risk for
11 drought;

12 (3) describes mitigation strategies to address
13 and reduce the vulnerability of an area to drought;
14 and

15 (4) are integrated with State, tribal, and local
16 water plans in existence on the date of enactment of
17 this Act.

18 **SEC. 125. REGIONAL AND LOCAL PLANS.**

19 Local governments, watershed groups, and regional
20 water providers may develop and implement drought pre-
21 paredness plans that—

22 (1) address monitoring of resource conditions
23 that are related to drought;

24 (2) identify areas that are at a high risk for
25 drought;

1 (3) describe mitigation strategies to address
2 and reduce the vulnerability of an area to drought;
3 and

4 (4) are integrated with corresponding State
5 plans.

6 **SEC. 126. PLAN ELEMENTS.**

7 The drought preparedness plans developed under sec-
8 tions 123 through 125—

9 (1) shall be consistent with Federal and State
10 laws, contracts, and policies;

11 (2) shall allow each State to continue to man-
12 age water and wildlife in the State;

13 (3) shall address the health, safety, and eco-
14 nomic interests of those persons directly affected by
15 drought;

16 (4) shall address the economic impact on re-
17 source-dependent businesses and industries, includ-
18 ing regional tourism;

19 (5) may include—

20 (A) provisions for water management
21 strategies to be used during various drought or
22 water shortage thresholds, consistent with State
23 water law;

24 (B) provisions to address key issues relat-
25 ing to drought (including public health, safety,

1 economic factors, and environmental issues such
2 as water quality, water quantity, protection of
3 threatened and endangered species, and fire
4 management);

5 (C) provisions that allow for public partici-
6 pation in the development, adoption, and imple-
7 mentation of drought plans;

8 (D) provisions for periodic drought exer-
9 cises, revisions, and updates;

10 (E) a hydrologic characterization study to
11 determine how water is being used during times
12 of normal water supply availability to anticipate
13 the types of drought mitigation actions that
14 would most effectively improve water manage-
15 ment during a drought;

16 (F) drought triggers;

17 (G) specific implementation actions for
18 droughts;

19 (H) a water shortage allocation plan, con-
20 sistent with State water law; and

21 (I) comprehensive insurance and financial
22 strategies to manage the risks and financial im-
23 pacts of droughts; and

24 (6) shall take into consideration—

1 (A) the financial impact of the plan on the
 2 ability of the utilities to ensure rate stability
 3 and revenue stream; and

4 (B) economic impacts from water short-
 5 ages.

6 **TITLE II—WILDFIRE**
 7 **SUPPRESSION**

8 **SEC. 201. GRANTS FOR PREPOSITIONING WILDFIRE SUP-**
 9 **PRESSION RESOURCES.**

10 Title II of the Robert T. Stafford Disaster Relief and
 11 Emergency Assistance Act (42 U.S.C. 5131 et seq.) is
 12 amended by adding at the end the following:

13 **“SEC. 205. GRANTS FOR PREPOSITIONING WILDFIRE SUP-**
 14 **PRESSION RESOURCES.**

15 “(a) FINDINGS AND PURPOSE.—

16 “(1) FINDINGS.—Congress finds that—

17 “(A) droughts increase the risk of cata-
 18 strophic wildfires that—

19 “(i) drastically alter and otherwise ad-
 20 versely affect the landscape for commu-
 21 nities and the environment;

22 “(ii) because of the potential of such
 23 wildfires to overwhelm State wildfire sup-
 24 pression resources, require a coordinated

1 response among States, Federal agencies,
2 and neighboring countries; and

3 “(iii) result in billions of dollars in
4 losses each year;

5 “(B) the Federal Government must, to the
6 maximum extent practicable, prevent and sup-
7 press such catastrophic wildfires to protect
8 human life and property;

9 “(C) not taking into account State, local,
10 and private wildfire suppression costs, during
11 the period of 2000 through 2004, the Federal
12 Government expended more than
13 \$5,800,000,000 for wildfire suppression costs,
14 at an average annual cost of almost
15 \$1,200,000,000;

16 “(D) since 1980, 2.8 percent of Federal
17 wildfires have been responsible for an average
18 annual cost to the Forest Service of more than
19 \$350,000,000;

20 “(E) the Forest Service estimates that an-
21 nual national mobilization costs are between
22 \$40,000,000 and \$50,000,000;

23 “(F) saving 10 percent of annual national
24 mobilization costs through more effective use of

1 local resources would reduce costs by
2 \$4,000,000 to \$5,000,000 each year;

3 “(G) it is more cost-effective to prevent
4 wildfires by prepositioning wildfire fighting re-
5 sources to catch flare-ups than to commit mil-
6 lions of dollars to respond to large uncontrol-
7 lable fires; and

8 “(H) it is in the best interest of the United
9 States to invest in catastrophic wildfire preven-
10 tion and mitigation by easing the financial bur-
11 den of prepositioning wildfire suppression re-
12 sources.

13 “(2) PURPOSE.—The purpose of this section is
14 to encourage the mitigation and prevention of
15 wildfires by providing financial assistance to States
16 for prepositioning of wildfire suppression resources.

17 “(b) AUTHORIZATION.—Subject to the availability of
18 funds, the Director of the Federal Emergency Manage-
19 ment Agency (referred to in this section as the ‘Director’)
20 shall reimburse a State for the cost of prepositioning wild-
21 fire suppression resources on potential multiple and large
22 fire complexes when the Director determines, in accord-
23 ance with the national and regional severity indices con-
24 tained in the Forest Service handbook entitled ‘Inter-
25 agency Standards for Fire and Fire Aviation Operations’,

1 that a wildfire event poses a threat to life and property
2 in the area.

3 “(c) ELIGIBILITY.—Wildfire suppression resources of
4 the Federal Government, neighboring countries, and any
5 State other than the State requesting assistance are eligi-
6 ble for reimbursement under this section.

7 “(d) REIMBURSEMENT.—

8 “(1) IN GENERAL.—The Director may reim-
9 burse a State for the costs of prepositioning of wild-
10 fire suppression resources of the entities specified in
11 subsection (c), including mobilization to, and demo-
12 bilization from, the staging or prepositioning area.

13 “(2) REQUIREMENTS.—For a State to receive
14 reimbursement under paragraph (1)—

15 “(A) any resource provided by an entity
16 specified in subsection (c) shall have been spe-
17 cifically requested by the State seeking reim-
18 bursement; and

19 “(B) staging or prepositioning costs—

20 “(i) shall be expended during the ap-
21 proved prepositioning period; and

22 “(ii) shall be reasonable.

1 “(3) LIMITATION.—The amount of all reim-
2 bursements made under this subsection during any
3 year shall not exceed \$50,000,000.”.

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